

REMARKS

The Office Action dated September 8, 2006, has been received and carefully considered. Reconsideration of the outstanding objections/rejections in the present application is also respectfully requested based on the following remarks.

I. THE ANTICIPATION REJECTION OF CLAIMS 1-6, 24-28, AND 38-41

On pages 2-6 of the Office Action, claims 1-6, 24-28, and 38-41 were rejected under 35 U.S.C. § 102(b) as being anticipated by Sturgeon et al. (U.S. Patent No. 5,726,884). This rejection is hereby respectfully traversed.

Under 35 U.S.C. § 102, the Patent Office bears the burden of presenting at least a prima facie case of anticipation. In re Sun, 31 USPQ2d 1451, 1453 (Fed. Cir. 1993) (unpublished). Anticipation requires that a prior art reference disclose, either expressly or under the principles of inherency, each and every element of the claimed invention. Id. "In addition, the prior art reference must be enabling." Akzo N.V. v. U.S. International Trade Commission, 808 F.2d 1471, 1479, 1 USPQ2d 1241, 1245 (Fed. Cir. 1986), cert. denied, 482 U.S. 909 (1987). That is, the prior art reference must sufficiently describe the claimed invention so as to have placed the public in possession of it. In re Donohue, 766 F.2d 531, 533, 226 USPQ 619, 621 (Fed. Cir. 1985). Such possession is effected only if one of ordinary

skill in the art could have combined the disclosure in the prior art reference with his/her own knowledge to make the claimed invention. Id..

Regarding claims 1, 24, 28, and 38, the Examiner asserts that Sturgeon et al. discloses the claimed inventions. Applicants respectfully disagree for several reasons.

First, the Examiner asserts that Sturgeon et al. discloses scheduling a resource to respond to a compliance event, as claimed. The Examiner, in response to earlier arguments, cites to column 15, line 44 - column 16, line 16. The language cited by the Examiner refers to a hazardous commitment manager ("HCM") functional grouping. "A user may utilize the HCM grouping 61 to build a safety inspection schedule for periodic (date specific) inspection of fire extinguishers, eye wash stations and decontamination systems for employee work stations." column 15, lines 55-60. Sturgeon, as cited by the Examiner, also discusses "statements of emergency response plans for different classes of emergency releases ... [and] emergency equipment that may be needed to respond to an emergency release... ." column 15, line 63 - column 16, line 1. Thus, Sturgeon, at best, allows for the creation of commitments on particular periodic dates and allows for the creation of emergency response plans. Sturgeon does not discuss the scheduling of resources for its commitments. Furthermore, it is clear that emergency response plans do not

constitute a scheduling of resources. Emergencies by their very nature are not planned or scheduled, nor does Sturgeon disclose such resource scheduling. At best, Sturgeon discloses the preparation of a plan that lists resources which may be available in the event of an emergency.

In contrast, claims 1, 24, 28, and 38 recite scheduling an appropriate resource to respond to a particular compliance event (e.g., a natural gas line repair, service, inspection, follow-up, etc.). Nowhere does Sturgeon et al. disclose, or even suggest, such a feature. Sturgeon's discussion of commitments is best understood as creating commitments for periodic inspections. Sturgeon does not discuss allocating resources for these inspections. Accordingly, it is respectfully submitted that Sturgeon et al. fails to disclose, or even suggest, this claimed feature.

It is respectfully submitted that Sturgeon et al. also fails to disclose, or even suggest, a computer system including a main computer and a remote computer adapted to communicate with the main computer, at least a portion of a main program and the database accessible by the main computer, the remote computer accessing a remote program operative to display and modify only a remote portion of the plurality of compliance events and only a remote portion of the plurality of resources of the database, as claimed. The Examiner points to column 10,

lines 39-60, of Sturgeon et al. for a teaching of this claimed feature. However, nowhere in this particular section, or any section, of Sturgeon et al. is this claimed feature disclosed. In contrast, Sturgeon et al. merely discloses dynamic links between functional groupings, which is hardly a teaching of this claimed feature.

The Examiner, in response to earlier arguments, cites to column 23, line 60 - column 24, line 55. The portion cited by the Examiner discusses material safety data sheets (MSDS) and various screens displaying the location of waste and facility information. The system disclosed by Sturgeon can store information about remote locations and facilities, but there is no disclosure or suggestion that the system contemplates working with a remote computer adapted to communicate with a main computer. A system which contains information about other locations does not disclose or suggest a:

remote computer adapted to communicate with the main computer, at least a portion of a main program and the database accessible by the main computer, the remote computer accessing a remote program operative to display and modify only a remote portion of the plurality of compliance events and only a remote portion of the plurality of resources of the database,

as required by claim 1 or the similar limitations in claims 24 and 28. Accordingly, it is respectfully submitted that Sturgeon

et al. also fails to disclose, or even suggest, this claimed feature.

It is respectfully submitted that Sturgeon et al. further fails to disclose, or even suggest, periodically scanning a database to identify at least one of a plurality of compliance events requiring a response, and scanning the database to identify at least one of a plurality of resources to respond to the compliance event requiring the response, as claimed. The Examiner points to column 49, lines 35-61, of Sturgeon et al. for a teaching of this claimed feature. However, nowhere in this particular section, or any section, of Sturgeon et al. is this claimed feature disclosed. In contrast, Sturgeon et al. merely discloses identifying an appropriate person to respond to some future "unplanned" release of hazardous material. Such an "unplanned" event is much different than a current compliance event requiring a response. Accordingly, it is respectfully submitted that Sturgeon et al. also fails to disclose, or even suggest, this claimed feature.

In view of the foregoing, it is respectfully submitted that Sturgeon et al. does not disclose, or even suggest, the limitations of claims 1, 24, 28, and 38. Accordingly, it is respectfully submitted that claims 1, 24, 28, and 38 should be allowable over Sturgeon et al..

Regarding claims 2-6, 25-27, and 39-41, these claims are dependent upon independent claims 1, 24, and 38. Thus, since independent claims 1, 24, and 38 should be allowable as discussed above, claims 2-6, 25-27, and 39-41 should also be allowable at least by virtue of their dependency on independent claims 1, 24, and 38. Moreover, these claims recite additional features which are not disclosed, or even suggested, by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully requested that the aforementioned anticipation rejection of claims 1-6, 24-28, and 38-41 be withdrawn.

II. THE OBVIOUSNESS REJECTION OF CLAIMS 7-23 AND 29-37

On pages 6-9 of the Office Action, claims 7-23 and 29-37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sturgeon et al. (U.S. Patent No. 5,726,884) in view of Dialog (Santa Fe Pacific Corp.). This rejection is hereby respectfully traversed.

Regarding claims 7-23 and 29-37, these claims are dependent upon independent claims 1 and 28. Thus, since independent claims 1 and 28 should be allowable as discussed above, claims 7-23 and 29-37 should also be allowable at least by virtue of their dependency on independent claims 1 and 28. Moreover, these claims recite additional features which are not disclosed,

or even suggested, by the cited references taken either alone or in combination.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 7-23 and 29-37 be withdrawn.

III. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess fees to the same deposit account.

Respectfully submitted,

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